

HA

Notice of Allowability	Application No.	Applicant(s)	
	10/656,580	TANAKA, YOSHIAKI	
	Examiner	Art Unit	
	Anatoly Vortman	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Reconsideration filed on March 23, 2006.
2. ☒ The allowed claim(s) is/are 1-58.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|



Anatoly Vortman
 Primary Examiner
 Art Unit: 2835

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

In view of the Terminal Disclaimer filed on March 23, 2006 the outstanding Double Patenting rejection of claims 1, 3, and 5 hereby withdrawn.

Furthermore, in view of the Applicant's Arguments presented in the Request For Reconsideration filed on March 23, 2006, all remaining outstanding statutory rejections of the currently pending claims are hereby withdrawn.

The Examiner has found the arguments persuasive, specifically regarding the criticality of the concentrations of the component elements of the tertiary In-Sn-Bi alloy.

Upon further review of the specification of the instant application the Examiner has concluded that the Applicant has performed a sufficient number of tests inside of the claimed ranges (Examples 1-21) as well as outside of the claimed ranges (Comparative Examples 1-5) and has established unexpected result, i.e.: that the resulting fuse element can be concentrically fused off in the vicinity of the maximum endothermic peak and, therefore, excellent overload characteristics may be obtained. Therefore, the Examiner has concluded, that criticality of the claimed ranges has been proven (see *In re Hill*, 128 USPQ 197 (CCPA 1960)).

The allowability resides in the overall structure of the device as recited in sole independent claim 1, and at least in part, because claim recites: "an alloy composition in which Sn is larger than 25% and 44% or smaller, Bi is 1% or larger and smaller than 20%, and In is larger than 55% and 74% or smaller". The aforementioned limitations in

Art Unit: 2835

combination with all remaining limitations of claim 1, are believed to render the claim and all claims dependent therefrom patentable over the art of record.

Furthermore, due to the allowance of the generic claim 1, all claims previously withdrawn from consideration as drawn to the non-elected specie, are hereby rejoined and also allowed.

None of the references cited during prosecution of the instant application either taken alone or in combination is believed to render the present invention unpatentable as claimed.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AV

A handwritten signature in black ink, appearing to read 'A. Vortman', followed by a long horizontal line extending to the right.

Anatoly Vortman
Primary Examiner
Art Unit 2835